THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23814 OF 2005

Dated: 07-11-2005

Between

Manubolu Sesha Reddy, S/o. Rami Reddy, Occ: Agriculture,
R/o. Peddachrukuru Village, Alipuram Post, Nellore Rural Mandal, Nellore District.

...PETITIONER

AND

The District Collector-cum-Election Authority, Nellore and others.

...RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the first and second respondents in not enquiring into the representation of the petitioner dated 05.09.2005 and conducting elections to the fourth respondent society on the basis of ineligible voter's list as illegal, arbitrary and consequently stay the elections to the fourth respondent society.

Learned counsel for the petitioner submits that the petitioner and others submitted a representation to the election authority on 05.09.2005 seeking the removal of the names of the ineligible voters being included in the voter's list. The said representation was forwarded to the District Collector, Nellore to take necessary action. But without any action being taken the Election Officer published the voter's list without inviting any objections within

seven days.

It is further submitted that the Government considered representation of the petitioner and initially passed orders postponing the elections and thereafter cancelled the earlier orders by order in G.O.Rt.No.1166 dated 03.11.2005. Therefore, the petitioner seeks stays of elections to the fourth respondent society.

I am of the opinion that irregularity caused in publishing the voter's list cannot be a ground to postpone the elections by the Government. Therefore, the Government rightly rectified its mistake and passed orders canceling the earlier orders postponing the elections and directing to conduct elections forthwith in accordance with Rule 22(C)(b) of the Andhra Pradesh Cooperative Societies Rules, 1964 from the stage where it was obstructed or interrupted.

Section 61(3) of the Andhra Pradesh Cooperative Societies Act (for short 'the Act'), 1964, deals the dispute relating to the conduct of election. Under Section 61(3) of the Act every dispute relating to, or in connection with, any election to a committee of a Society shall be referred for decision to the Tribunal having jurisdiction over the area.

Therefore, the petitioner is not entitled for any relief in this writ petition filed under Article 226 of the Constitution of India with regard to the irregularities said to have been committed in the publication of the voter's list.

The writ petition is accordingly dismissed with a liberty to the petitioners to file an election petition.

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V. ESWARAIAH, J

November 7, 2005

DSK